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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,741	09/05/2003	Brian P. Bjorklund	030066	9081
52270	7590	11/03/2005	EXAMINER	
POTOMAC PATENT GROUP, PLLC			CHANG, YEAN HSI	
P.O. BOX 270			ART UNIT	PAPER NUMBER
FREDERICKSBURG, VA 22404			2835	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/656,741	Applicant(s) BJORKLUND, BRIAN P.	
	Examiner Yean-Hsi Chang	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7-11 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Rudy, Jr. et al. (US 5,343,361).

Rudy teaches a housing (12, fig. 2) for supporting and mounting at least one module (100), said housing comprising: a first panel member (for example, 20), a second panel member (202) connected to said first panel member, a third panel member (18) connected to said second panel member opposite said first panel member, wherein a slot (26) is formed between said first and third panel members capable of receiving at least one module (shown in fig. 2), and the slot is capable of receiving the at least one module by moving the at least one module into the slot in a direction toward the second panel member (see fig. 2), and a cover member (16 on the right) attached to the first, second and third panel members such that the cover member covers a side of the slot, and at least one mounting member (216) capable of mounting said housing to a surface (14) (claim 7); wherein said slot is U-shaped (shown in fig. 2) and sized to slidably receive said at least one module (see fig. 2) (claim 8); wherein said

first panel member has a first extended side (on the lower edge) and wherein said third panel has a second extended side (on the upper edge) (claim 9); wherein said first panel member has at least one first orifice (in the front of 20, shown in fig. 2, not labeled) and said third panel member has at least one second orifice (in the front of 18, shown in fig. 2, not labeled), and the at least one first orifice and the at least one second orifice are positioned opposite the second panel member (shown in fig. 2) (claim 10); wherein said at least one first orifice and said at least one second orifice are positioned to receive fasteners (56) attached to said at least one module to secure said at least one module on said housing (claim 11); and wherein said housing further comprises a rear panel (16 on the left) connected to said first, second and third panels and positioned parallel to said slot (claim 16).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Kicinski et al. (US 6,405,139 B1).

Kicinski teaches an apparatus (fig. 1) for supporting and mounting at least one module (shown on the left in fig. 1, not labeled) on a surface (not shown), said

apparatus comprising: a housing (shown in fig. 1, not labeled) attachable to a portion (not shown) of the surface, said housing having a channel (shown in fig. 1, not labeled) therein sized to receive and support at least a portion of at least one module therein, and the channel being covered by a cover panel (shown on the upper left in fig. 1, not labeled) on a side opposite the portion of the surface (shown in fig. 1, not labeled), and at least one mounting member (shown on upper right in fig. 1, not labeled) on said housing for attaching said housing to the surface (claims 1 and 17); wherein said housing comprises a three-sided box (shown in fig. 1) (claim 2); wherein one end of said three-sided box is enclosed (shown in fig. 1) (claim 3); and wherein said housing is configured to cooperate with fasteners (165) for fastening said at least one modules to said housing (shown in fig. 1, not labeled) (claim 6).

5. Claims 7, 10 and 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Rumney (US 6,661,677 B1).

Rumney teaches a housing (1, fig. 1) for supporting and mounting at least one module (2, fig. 1), said housing comprising: a first panel member (for example, 10 on the right in fig. 1), a second panel member (in the back not shown, also see col. 3, line 6) connected to said first panel member, a third panel member (10 on the left, fig. 1) connected to said second panel member opposite said first panel member, wherein a slot is formed between said first and third panel members capable of receiving the at least one module, and the slot is capable of receiving the at least one module by moving the at least one module into the slot in a direction toward the second panel

member (as shown in fig. 1), a cover panel member (11) attached to the first, second and third panel members such that the cover panel member covers a side of the slot (shown in fig. 1), and at least one mounting member (mating with 15, fig. 5, see col. 3, lines 27-30) capable of mounting said housing to a surface (23) (claim 7); wherein said slot is U-shaped (shown in fig. 1) and sized to slidably receive said at least one module (see fig. 1) (claim 8); wherein said first panel member has a first extended side (14 on the left) and wherein said third panel has a second extended side (14 on the right) (claim 9); wherein said first panel member has at least one first orifice (20, fig. 3) and said third panel member has at least one second orifice (20, fig. 3), and the at least one first orifice and the at least one second orifice are positioned opposite the second panel member (as shown in fig. 3) (claim 10); wherein said first panel member has at least one lower hole (15) positioned transverse to said at least one orifice, and wherein said third panel member has at least one upper hole (15) positioned transverse to said at least one second orifice (claim 12); and wherein said at least one mounting member is at least two mounting members (mating with two 15s) positioned through said at least lower hole and at least one upper hole for mounting said housing to the surface (claim 13).

6. Claim 17 is rejected under 35 U.S.C. 102(e) as being anti by Rumney (US 6,661,677 B1).

Rumney teaches an apparatus (fig. 1) for mounting at least one module (2) on a surface (23), comprising: housing means (1) attachable to the surface for forming a

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channel for receiving at least a portion of said at least one module therein between a portion of said housing means and the surface, the channel being covered by a cover panel (11) on a side opposite the surface (shown in fig. 5), and means (14) for mounting said housing means to the surface.

7. Claims 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Rumney.

Rumney teaches a method of mounting at least one module (2, fig. 1) on an cabinet (fig. 5), comprising: forming an open ended channel (formed with panels 10 and 19 as shown in fig. 5) on a portion of the cabinet (16), the open ended channel being covered by a cover panel (11) on a side opposite the portion of the cabinet, inserting at least a portion of the at least one module (2) into the open ended channel (fig. 1) by moving the at least one module into the open ended channel in a direction parallel to the portion of the cabinet (shown in figs. 1 and 5), (claim 18); wherein the open ended channel is formed with only one open end (the rear end of the channel being closed, see col. 3, line 6) through which at least a portion of the at least one module is inserted (shown in fig. 2) (claim 19); engaging a fastener (25) on a portion of the at least one module with a portion (20) of a housing (1) (claim 20); attaching the open ended housing to a surface (23) of the portion of the cabinet such that the open ended channel is disposed between the cover panel and the surface (as shown in figs. 1 and 5) (claim 21); and attaching the housing to the surface with at least one fastener (see col. 3, lines

27-30) selected from the group consisting of fasteners containing magnets, hook and loop fasteners and screws (claim 22).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kicinski et al. in view of Kato et al. (US 6,151,206).

Kicinski discloses the claimed invention except the at least one mounting member comprises at least one magnet.

Kato teaches a magnetic strip (134C, fig. 12) for removably mounting a housing (31) to a surface (surface of 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Kicinski with the magnetic strip taught by Kato for removably securing the housing to the surface for easy attaching and removal without a tool.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kicinski et al. in view of Adams et al. (US 6,697,262).

Kicinski discloses the claimed invention except the at least one mounting member comprises hook and loop fasteners.

Adams teaches hook and loop fasteners (10A and 10B, fig. 1) for removably mounting a module (6) to a surface (8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Kicinski with the fasteners taught by Adams for removably securing the housing to the surface for easy attaching and removal without a tool.

11. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rumney in view of Kato et al.

Rumney discloses the claimed invention except the at least one mounting member comprises at least one magnet.

Kato teaches a magnetic strip (134C, fig. 12) for removably mounting a housing (31) to a surface (surface of 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Rumney with the magnetic strip taught by Kato for removably securing the housing to the surface for easy attaching and removal without a tool.

Response to Arguments

12. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Correspondence

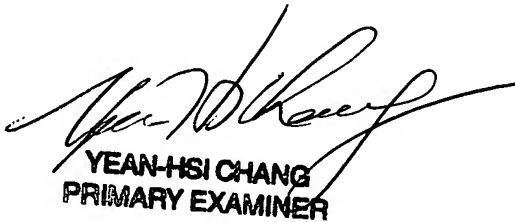
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30 - 16:00, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang
Primary Examiner
Art Unit: 2835
October 31, 2005



YEAN-HSI CHANG
PRIMARY EXAMINER